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10/699,170	10/31/2003	Ankur Bhatt	13906-121001 / 2003P00232	1615
32864 7590 05/07/2008 FISH & RICHARDSON, P.C. PO BOX 1022 MINNEAPOLIS, MN 55440-1022			EXAMINER KIM, PAUL	
			ART UNIT 2161	PAPER NUMBER
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/699,170	Applicant(s) BHATT ET AL.	
	Examiner PAUL KIM	Art Unit 2161	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2008.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,4,6-8,10,13-16,19 and 20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,2,4,6-8,10,13-16,19 and 20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>4/3/06</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office action is responsive to the following communication: Amendment filed on 22 January 2008.
2. Claims 1-2, 4, 6-8, 10, 13-16, and 19-20 are pending and present for examination.

Response to Amendment

3. Claims 1, 8, and 15 have been amended.
4. No claims have been added.
5. No claims have been cancelled.

Information Disclosure Statement

6. The information disclosure statement (IDS) submitted on 3 April 2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. **Claims 1-2, 6-8, 10, 13-16, and 19-20** are rejected under 35 U.S.C. 102(e) as being anticipated by Multer et al (U.S. Patent No. 6,671,757, hereinafter referred to as MULTER), filed on 26 January 2000, and issued on 30 December 2003, in view of Haley (U.S. Patent No. 6,948,133, hereinafter referred to as HALEY), filed on 19 March 2002, published on 2 January 2003, and issued on 20

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September 2005, and in further view of Howard et al (U.S. Patent No. 6,768,994, hereinafter referred to as HOWARD), filed on 23 February 2001, and issued on 27 July 2004.

9. **As per independent claims 1 and 15**, MULTER, in combination with HALEY and HOWARD, discloses:

A method comprising:

accessing at least one data element representing a delta data change from a source database of a source system, the delta data change existing in a first collection of data in the source database {See MULTER, col. 6, lines 20-30, wherein this reads over "the differencing transmitter on System A will extract the differences in the file known to exist on System B and any new files"};

accessing a related data element from the source database, the related data element defined to have a relationship to the at least one data element and affecting a layout of the at least one data element {See HALEY, C8:L46-59, wherein this reads over "the binding table 13 can be quickly scanned to discern which prompt elements are bound to which data item, a necessary operation in order to refresh the display 2 for prompt elements whose data has changed"; and C10:L35-53, wherein this reads over "as soon as the patient gender is changed to FEMALE, the data item last_PAP_Test_Date becomes relevant" and "[w]henver data is changed on the form, the tale 41 is scanned to determine if the changed data item matches any data items listed in column 43"};

copying the at least one data element and the related data element to an export data file {See MULTER, col. 6, lines 6-8, wherein this reads over "converts the information extracted into difference information"} by converting the at least one data element and the related data element to ActiveX Data Object specific extensible markup language files by data type {See HOWARD, C10:L31-40, wherein this reads over "[t]hese data are converted to XML format and sent to the client to pre-fill the Report Editor ActiveX control" and "[t]he XML Parser 61 on the server is used to obtain report data from the database 14 via ADO in the form of record sets and transform those record sets into XML format"};

transporting the export data file from the source system to a target system having a target database {See MULTER, col. 6, lines 20-30, wherein this reads over "transmit only those differences (instructions for where to insert those differences) to the differencing receiver"};

displaying, at the target system, a user interface {See MULTER, col. 13, wherein this reads over "[a] user interface is provided to allow additional functional features to a system user "} that identifies ones of the at least one data element that exist in a second collection of data stored in the target database {See MULTER, col. 6, lines 8-11, wherein this reads over "[d]ifference information comprises only the changes to System B's data which have occurred on System B and instructions for implementing those changes"}, to prompt a user selection of desired ones of the at least one data element to be copied in the target database {See MULTER, col. 2, lines 43-45, wherein this reads over "[i]f both files have changed, then the synchronization routine presents the option of conflict resolution to the user"}; and

copying selected ones of the at least one data element and the related data element to the target database {See MULTER, col. 6, lines 52-58, wherein this reads over "a separate database of the difference information provided by System A . . . stored for later retrieval by System B"}.

The combination of the inventions disclosed in MULTER and HALEY would disclose a method

wherein changed data having a relationship to another data element affect the layout of the data

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element by either activating or inactivating the data element. Additionally, HALEY discloses the conversion of the data elements into an XML document as changes are made to said data elements. While MULTER and HALEY may fail to expressly disclose that the export data file is an ActiveX Data Object specific extensible markup language file, HOWARD discloses an invention wherein data is pulled in the form of record sets from a database via Active Database Objects and subsequently converted into XML format. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by MULTER, HALEY, and HOWARD.

One of ordinary skill in the art would have been motivated to do this modification so that a changed data element and its related data elements may be extracted from a source database such that the data element and related data element may be combined for export into one export data file in ADO and XML format.

10. **As per dependent claims 2, 10, and 16**, MULTER, in combination with HALEY and HOWARD, discloses:

The method of claim 1 wherein copying the at least one data element to the export data file comprises:

comparing the at least one data element to a data element stored in a reference export data file {See MULTER, col. 6, lines 3-6, wherein this reads over "differencing transmitter . . . examines a specified data structure of information which is to be transmitted"}; and

storing the at least one data element to the export data file based on the comparison {See MULTER, col. 6, lines 8-11, wherein this reads over "[d]ifference information comprises only the changes to System B's data which have occurred on System B and instructions for implementing those changes"}.

11. **As per dependent claims 3, 9, and 17**, MULTER, in combination with HALEY and HOWARD, discloses:

The method of claim 1 further comprising copying a related data element from the source database to the export data file, the related data element relates to one of the at least one data element {See MULTER, col. 6, lines 6-19, wherein this reads over "[d]ifferencing transmitter extracts such information from System A and converts the information extracted into difference information. Difference information comprises only the changes to System B's data which have occurred"}.

12. **As per dependent claims 5, 12, and 18**, MULTER, in combination with HALEY and HOWARD, discloses:

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The method of claim 1,

wherein copying selected ones of the at least one data element to the target database comprises copying a related data element from the export data file to the target database, the related data element relates to one of the at least one data element {See MULTEr, col. 6, lines 52-60, wherein this reads over "[s]torage server may store a separate database of the difference information provided by System A" and "multiples sets of difference information may be provided at different points in time, and stored for later retrieval by stem B"}.

13. **As per dependent claims 6, 13, and 19,** MULTEr, in combination with HALEY and HOWARD,

discloses:

The method of claim 1,

wherein copying to the target database comprises generating a restorable archive file using the ones of the at least one data element that exist in the second collection of data stored in the target database {See MULTEr, col. 6, lines 60-64, wherein this reads over "the difference information sets may be maintained on server to allow data on either System A or System B to be returned to a previous state"}.

14. **As per dependent claim 7, 14, and 20,** MULTEr, in combination with HALEY and HOWARD,

discloses:

The method of claim 6

wherein generating the restorable archive file comprises using a related data element to the at least one data element, the related data element existing in the second collection of data stored in the target database {See MULTEr, col. 6, lines 60-64, wherein this reads over "the difference information sets may be maintained on server to allow data on either System A or System B to be returned to a previous state"}.

15. **As per independent claim 8,** MULTEr, in combination with HALEY and HOWARD, discloses:

A system comprising:

a computer network {See MULTEr, Figure 7; and col. 1, lines 57-65, wherein this reads over "system A", "system B", and "type of network"};

a source system coupled to the computer network {See MULTEr, col. 1, lines 57-65, wherein this reads over "system A"}, the source system storing a first collection of data in a source database {See MULTEr, Figure 5};

a target system coupled to the computer network {See MULTEr, col. 1, lines 57-65, wherein this reads over "system B"}, the target system storing a second collection of data in a target database {See MULTEr, Figure 5};

a service delivery device coupled to the network, the service delivery device including a processor and memory storing instructions that, in response to receiving a first type of request for access to a service {See MULTEr, col. 6, lines 3-6, wherein this reads over

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"[t]he differencing transmitter, upon receipt of a control signal enabling operation of the transmitter, examines a specified data structure of information which is to be transmitted to system B}, cause the processor to:

access at least one data element representing a delta data change from the source database of the source system, the delta data change existing in the first collection of data in the source database {See MULTER, col. 6, lines 20-30, wherein this reads over "the differencing transmitter on System A will extract the differences in the file known to exist on System B and any new files"};

access a related data element from the source database, the related element defined to have a relationship to the at least one data element and affecting a layout of the at least one data element {See HALEY, C8:L46-59, wherein this reads over "the binding table 13 can be quickly scanned to discern which prompt elements are bound to which data item, a necessary operation in order to refresh the display 2 for prompt elements whose data has changed"; and C10:L35-53, wherein this reads over "as soon as the patient gender is changed to FEMALE, the data item last_PAP_Test_Date becomes relevant" and "[w]henver data is changed on the form, the tale 41 is scanned to determine if the changed data item matches any data items listed in column 43"};

copy the at least one data element and the related data element to an export data file {See MULTER, col. 6, lines 6-8, wherein this reads over "converts the information extracted into difference information"} by converting the at least one data element and the related data element to ActiveX Data Object specific extensible markup language files by data type {See HOWARD, C10:L31-40, wherein this reads over "[t]hese data are converted to XML format and sent to the client to pre-fill the Report Editor ActiveX control" and "[t]he XML Parser 61 on the server is used to obtain report data from the database 14 via ADO in the form of record sets and transform those record sets into XML format"}; and

transport the export data file from the source system to the target system having the target database {See MULTER, col. 6, lines 20-30, wherein this reads over "transmit only those differences (instructions for where to insert those differences) to the differencing receiver"};

display, at the target system, a user interface that identifies one of the at least one data element that exist in the second collection of data stored in the target database, to prompt a user selection of desired ones of the at least one data element to be copied in the target database; and

copy selected ones of the at least one data element and the related data element to the target database.

The combination of the inventions disclosed in MULTER and HALEY would disclose a method wherein changed data having a relationship to another data element affect the layout of the data element by either activating or inactivating the data element. Additionally, HALEY discloses the conversion of the data elements into an XML document as changes are made to said data elements. While MULTER and HALEY may fail to expressly disclose that the export data file is an ActiveX Data Object specific extensible markup language file, HOWARD discloses an invention wherein data is pulled in

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the form of record sets from a database via Active Database Objects and subsequently converted into XML format. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by MULTER, HALEY, and HOWARD.

One of ordinary skill in the art would have been motivated to do this modification so that a changed data element and its related data elements may be extracted from a source database such that the data element and related data element may be combined for export into one export data file in ADO and XML format.

16. **Claim 4** is rejected under 35 U.S.C. 103(a) as being unpatentable over MULTER, in view of HALEY and HOWARD, and in further view of Yuen (U.S. Patent No. 5,423,033, hereinafter referred to as YUEN), filed on 30 September 1992, and issued on 6 June 1995.

MULTER and HALEY teach the limitations of claims 1-3 and 5-20 for the reasons stated above.

MULTER and HALEY differ from the claimed invention in that MULTER fails to disclose a method wherein the data element represents a report, and the related data element represents a graphical illustration of data in the report (claim 4).

17. **As per dependent claim 4**, MULTER, in view of HALEY and HOWARD, discloses a method wherein the at least one data element represents a report {See YUEN, col. 1, lines 44-46, wherein this reads over "[r]eport may also provide multiple data elements for each row"; and lines 50-52, wherein this reads over "a particular data element on the report"} and the related data element represents a graphical illustration of data in the report {See YUEN, col. 2, lines 28-34, wherein this reads over "in a graphics-based report, the system may generate a secondary report showing detailed information concerning a selected graphical element, such as a wedge in a pie chart"}.

The combination of the inventions disclosed in MULTER, HALEY, HOWARD and YUEN would disclose a method wherein the data element represents a report (i.e. the data element representing certain data in the report) and the related data element represents a graphical illustration of data in the report (i.e. a wedge in a pie chart). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to combine the inventions suggested by MULTER, HALEY, HOWARD, and YUEN.

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One of ordinary skill in the art would have been motivated to do this modification so that data elements, such as contact information, charts and reports, and related data elements, such as report layout logic and text elements, may be copied from a source database to a target database.

Response to Arguments

18. Applicant's arguments with respect to claim rejections under 35 U.S.C. 103 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

19. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

20. Any inquiry concerning this communication or earlier communications from the examiner should be directed to PAUL KIM whose telephone number is (571)272-2737. The examiner can normally be reached on M-F, 9am - 5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Apu Mofiz can be reached on (571) 272-4080. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

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